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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/505,449	02/16/2000	George R. Borden, IV	KLR:7146.045	5400
55648 7590 06/23/2008 KEVIN L. RUSSELL CHERNOFF, VILHAUER, MCCLUNG & STENZEL LLP 1600 ODS TOWER 601 SW SECOND AVENUE PORTLAND, OR 97204				
EXAMINER				
CZEKAJ, DAVID J				
ART UNIT		PAPER NUMBER		
2621				
MAIL DATE		DELIVERY MODE		
06/23/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/505,449

Applicant(s)

BORDEN, IV ET AL.

Examiner

DAVID CZEKAJ

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Notice of Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- 7) ☐ Paper No(s)/Mail Date: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/4/08 has been entered.

Response to Arguments

On pages 7-8, applicant argues that Lee in view of Loveland fail to disclose automatically increasing the magnification upon initialization and selecting an object of interest while the image is being increased in magnification. While the applicant's points are understood, the examiner respectfully disagrees. See for example Lee column 4, line 45 – column 5, line 2. There Lee discloses an initializing routine for a camera system which automatically adjusts the zoom lens. Loveland discloses in column 5, lines 30-38, the initial operation of a surveillance system. In the system disclosed by Loveland, a camera is zoomed in on a particular object (a shopper) and then selected for tracking, which then switches to an automatic tracking mode. Hence, the combination of Lee with Loveland teach automatically increasing the magnification upon initialization and selecting an object of interest while the image is being increased in magnification. Therefore the rejection will be maintained.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (6507366) in view of Loveland (6437819).

Regarding claim 1, Lee discloses an apparatus that relates to a method for automatically tracking a moving object (Lee: column 1, lines 7-9). This apparatus comprises "initiating the object tracking system" (Lee: figure 3A, wherein the initiating is the initialization) and "automatically increasing magnification an image in response to initiating the tracking system free from further user input while the tracking system is activated" (Lee: column 4, lines 44-59; column 5, lines 1-2). However this apparatus lacks decreasing the magnification based on a low confidence level and selecting an object of interest as claimed. Loveland teaches that prior art tracking systems require a user's full attention (Loveland: column 1, lines 40-43). To help alleviate this problem, Loveland discloses "selecting an object of interest while the tracking system is activated and while the image is being magnified in response to initiating the system" (Loveland: column 3, lines 56-59, wherein the guard selects the person or object of interest) and "designating the object as the target, wherein the magnification is decreased automatically based upon a low confidence that the object is being tracked" (Loveland: column 4, lines 55-59, wherein the

magnification is the zoom, the low confidence is the obscured view). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to take the apparatus disclosed by Lee and add the tracking taught by Loveland in order to obtain an apparatus that allows a user to perform more tasks since the users full attention is no longer required.

Regarding claims 2, 11, and 17, Loveland discloses "the image is magnified by adjustment of an optical lens" (Loveland: column 3, lines 60-65, wherein the PTZ camera includes an optical lens).

Regarding claims 4, 13, and 19, Lee discloses "the magnification is an automatic result of the initiating the object tracking system" (Lee: column 4, lines 44-59).

Regarding claims 3, 12, and 18, Loveland discloses "the image is magnified by adjusting an electrical signal representing a part of the image" (Loveland: column 4, lines 9-32).

Regarding claims 5, 14, and 20, Loveland discloses "automatically changing the scale of the image following designation of the object as the target" (Abecassis: column 3, lines 57-64, wherein changing the scale is adjusting the panning and zooming functions of the camera).

Regarding claims 6, 15, and 31, Loveland discloses "moving a cursor to superimpose the cursor on the object of interest in the image" (Loveland: column 5, lines 31-35, wherein the cursor is the mouse cursor) and "signaling the

tracking system that the cursor is superimposed on the object of interest”
(Loveland: column 5, lines 31-35, wherein the signaling is the clicking).

Regarding claims 7-10 and 16, although not disclosed, the object tracking system could comprise a touch screen display that simultaneously selects and designates the target upon the next touch of the display (Official Notice). Doing so would have been obvious in order to make the apparatus more user-friendly by providing the benefits of a touch screen display.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID CZEKAJ whose telephone number is (571)272-7327. The examiner can normally be reached on Mon-Thurs and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dave Czekaj/
Primary Examiner, Art Unit 2621